IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE.

INCOME TAX REFERENCE NO. 456 OF 1998..

The Commissioner of Income-tax,
City-I, Bombay. .. Applicant,
vs.
Navdeep Chemicals Pvt.Ltd. . .. Respondent.

Shri A.S. Rao for the Applicant.
None for the respondent.

CORAM: V.C.DAGA &
J.P.DEVADHAR,JJ.
DATED: 22-3-2005.

P.C.

1. Heard learned Counsel for the applicant. The Tribunal has referred the question for the opinion of this Court reading as under:

> 1. " Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in holding that the subsidy received from the Government should not be deducted from the cost of fixed assets for determining the "actual cost" within the meaning of sec. 43(1) for the purpose of allowing depreciation and investment allowance?"

2. The above question has already been answered by the Division Bench of this Court in the case of C.I.T. vs. P.J. Chemicals Ltd. (1994) 210 I.T.R. 830 (SC) in the affirmative i.e. in favour of the assessee and against the revenue. In this view of the matter, reference stands disposed of in terms of that judgment with no order as to costs.